

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350

Sacramento, CA 95833

(916) 274-5721

FAX (916) 274-5743

Website address: www.dir.ca.gov/oshsb**PROPOSED PETITION DECISION OF THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
(PETITION FILE NO. 504)****INTRODUCTION**

The Occupational Safety and Health Standards Board (Board) received a petition on May 20, 2008, from Roy A. Swift, Ph.D., Program Director, Personnel Certification Accreditation Program, representing American National Standards Institute (ANSI), (Petitioner). The Petitioner requests the Board to amend Title 8, California Code of Regulations, Section 5006.1(c) of the General Industry Safety Orders (GISO) concerning mobile crane and tower crane-operator qualifications and certification.

Labor Code section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health, and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

SUMMARY

The Applicant is petitioning to amend Section 5006.1(c), Mobile Crane and Tower Crane – Operator Qualifications and Certification, to add the American National Standards Institute (ANSI) as an approved accrediting agency for certification of crane operators.

DIVISION'S EVALUATION

The Division notes that Section 5006.1(c) currently recognizes the National Commission for Certifying Agencies (NCCA) as the only Accredited Certifying Entity to certify crane operator certification programs. To date, the NCCA has only accredited the programs of the National Commission for the Certification of Crane Operators (NCCCO) and the Southern California Crane and Hoisting Certification Program (Operating Engineers Local 12). The only crane operator program accredited by the ANSI Personnel Certification Accreditation Program is the NCCCO. However, there are two programs that have submitted their application for review. The ANSI Personnel Certification Accreditation Program has similar characteristics as the NCCA in that the ANSI approval process would provide for written and practical hands-on qualification examinations of crane operators.

The Division believes that another accredited certifying entity would be beneficial in allowing more agencies to certify crane operators. The Division is of the opinion that Petition No. 504

has merit and recommends that an advisory committee be convened to evaluate the ANSI Personnel Certification Accreditation Program.

STAFF'S EVALUATION

Section 5006.1(c) currently defines "Accredited Certifying Entity" as "any organization whose certification program is accredited by the National Commission for Certifying Agencies (NCCA)." Thus, by definition, only the NCCA is currently recognized as having authority to accredit crane operator certification entities in California. Only two crane operator certification entities in California are currently accredited by NCCA:

- The NCCCO and
- The International Union of Operating Engineers, Local 12.

The NCCA is an accrediting entity. It does not develop or specify crane operator test questions, administer examinations or issue crane operator certificates; it only evaluates the reliability and validity of the testing protocols and methods used by certification entities to ensure their assessment methods are valid according to its own psychometric criteria and nationally recognized standards.

The Petitioner notes that the ANSI Personnel Certification Accreditation Program has been in operation for five years and uses ANSI/ISO/IEC 17024, Conformity Assessment – General Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies. Further, he informs that ANSI has accredited 21 certification bodies to date with 32 certification bodies actively pursuing accreditation. The NCCCO, which has been accredited by the NCCA as prescribed by Section 5006.1(c), is also among those that have been successfully accredited by ANSI. Others include the Board of Certified Safety Professionals, National Inspection Testing Certification Corporation and the Construction Manager Certification Institute.

The Petitioner opines that the ANSI Standard is the most comprehensive accreditation standard in the personnel certification industry. It is governed by ISO/IEC 17011 which ensures that the following general requirements are met:

- Separation of assessors (who evaluate the material) and the decision-makers (the accreditation committee)
- Assessors are approved by the certification body to ensure no conflict of interest.
- An onsite evaluation is conducted to determine:
 - General policy and procedures are implemented.
 - Records are complete.
 - Security is maintained as described.
 - Performance examinations are conducted appropriately and according to policies and procedures.
 - Certification body personnel are knowledgeable and demonstrate understanding of their positions.
 - Examiners are following appropriate policies and procedures.

An evaluation of assessors and the accreditation process by the certification bodies is conducted as follows:

- Years one and three have a focused one-day onsite evaluation based on documents submitted.
- Years two and four are document reviews but deficiencies or irregularities can trigger an unscheduled onsite inspection.
- Year five is a reassessment – the same as the initial accreditation process.

Board staff is of the opinion that amending Section 5006.1(c) to include an additional accrediting body would offer more options for entities seeking accreditation to certify crane operators. This may result in more competition and availability of crane operator certification entities, potentially reducing costs to the regulated public. Should the Board adopt this petition in its present form, the quality of crane operator certification will be enhanced since the ANSI Personnel Certification Accreditation Program appears to be at least as effective as the NCCA program. Staff's recommendation is based on evaluation of the ANSI program and is not intended to include other entities or options.

Board staff is in agreement with the Division that this petition has merit. The ANSI Personnel Certification Accreditation Program appears to be in conformance with nationally and internationally recognized standards and offers the potential for accreditation options.

CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition of Roy A. Swift, Ph.D., Program Director, Personnel Certification Accreditation Program, representing American National Standards Institute, to make recommended changes to Section 5006.1(c) of the General Industry Safety Orders concerning mobile crane and tower crane-operator qualifications and certification. The Board has also considered the recommendations of the Division and Board staff. For reasons stated in the preceding discussion, the Petition is hereby granted to the extent that a representative advisory committee be convened by Board staff to consider whether Section 5006.1(c) should be amended to include ANSI as a recognized accrediting body for mobile and tower crane operator certification entities.